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THE HONORABLE RICARDO S. MARTINEZ

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IN THE UNITED STATES DISTRICT COURT

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FOR THE WESTERN DISTRICT OF WASHINGTON

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AT SEATTLE

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UTHERVERSE GAMING LLC,

Case No. 2:21-cv-00799-RSM

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Plaintiff,

DECLARATION OF PETE AXT IN SUPPORT OF DEFENDANT EPIC GAMES, INC.'S MOTION TO SEAL REGARDING MOTIONS IN LIMINE

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v.

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EPIC GAMES, INC.,

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Defendant.

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DECL. OF PETER AXT
(CASE NO. 2:21-CV-00799-RSM)

Morrison & Foerster LLP, 425 Market Street,
San Francisco, CA, Tel: 415-268-7000

1   I, Peter Axt, declare:

2   1.   I am an Engineering Director for Internal Game Services at Epic Games, Inc.

3 ("Epic"). I submit this declaration on behalf of Epic regarding Epic's Administrative Motion to

4 File Under Seal Pursuant to Civil L.R. 5(g). I have personal knowledge of each fact stated in this

5 declaration, to which I could and would competently testify if called as a witness.

6   2.   I have reviewed the portions sought to be sealed of Exhibit 3 to the Declaration of

7 Katherine McNutt ("McNutt Declaration") in Support of Epic's Motions in Limine. Exhibit 3 to

8 the McNutt Declaration consists of excerpts from the Opening Expert Report of Dr. Craig

9 Rosenberg. The portions of this report sought to be sealed discuss and refer extensively to

10 confidential internal Epic technical documents, transcripts of depositions of Epic engineers

11 discussing confidential details of *Fortnite's* infrastructure, and *Fortnite* source code.

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    3.   Epic keeps the information sought to be sealed strictly confidential. Epic's sensitive

13 technical information and source code are maintained in secure repositories. Access to these

14 repositories is restricted to authorized users with valid login credentials. Any employee who

15 accesses these repositories must sign a non-disclosure agreement.

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17   4.   The disclosure of Epic's technical information, particularly source code

18 information, creates a significant risk of harm to Epic. Epic devotes considerable time and

19 resources to developing and refining its technology and technological infrastructure, which are the

20 foundation of its business. The disclosure of this information could be exploited by a bad actor to

21 The disclosure of this information could be exploited by a bad actor to structure an attack on Epic's

22 network, disrupting Epic's business and putting its customers' private information at risk. For

23 example, knowing particular source code files or file paths could make it easier to launch an attack

24 on Epic's network. In addition, a competitor viewing this information could use it to build a

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DECL. OF PETER AXT
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1   competing product, giving them an unfair competitive advantage.

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4   I declare under penalty of perjury under the laws of the United States that the foregoing is

5   true and correct. Executed on _8/29/2024_____ in Seattle, Washington.

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7   DocuSigned by:

                                      Peter Axt

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                                      Peter Axt

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DECL. OF PETER AXT - 3   **Morrison & Foerster LLP**, 425 Market Street,
(CASE NO. 2:21-CV-00799-RSM)   San Francisco, CA, Tel: 415-268-7000